

1 **PLANNING COMMISSION MINUTES OF MEETING**

2 **Wednesday, January 23, 2019**

3 **7:00 p.m.**

4
5 A quorum being present at Centerville City Hall, 250 North Main Street, Centerville, Utah, the
6 meeting of the Centerville City Planning Commission was called to order at 7:00 p.m.

7
8 **MEMBERS PRESENT**

9 Cheylynn Hayman, Chair

10 Kai Hintze

11 Logan Johnson

12 Becki Wright (left at 7:23 p.m.)

13
14 **MEMBERS ABSENT**

15 Kevin Daly, Vice Chair

16 Gina Hirst

17
18 **STAFF PRESENT**

19 Cory Snyder, Community Development Director

20 Lisa Romney, City Attorney

21 Cassie Younger, Assistant Planner

22 Jamie Brooks, Recording Secretary

23
24 **VISITORS**

25 Interested citizens

26
27 **PLEDGE OF ALLEGIANCE**

28
29 **OPENING COMMENT/LEGISLATIVE PRAYER** Chair Hayman

30
31 **DISCUSSION – SUBDIVISION CHAPTER 3 POSSIBLE REVISIONS**

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33 Lisa Romney, City Attorney, explained that Chapter 3 of the Centerville City Code was quite
34 lengthy and that it addressed general parameters involving all types of subdivisions. She also wished to
35 discuss the State's noticing requirements and determine what, if any, additional noticing the Commission
36 wished to provide.

37
38 CMC 15.03.050 listed agricultural exemptions to the subdivision plat process. Ms. Romney
39 pointed out that small subdivisions had not been included since they were not technically exempt from the
40 plat but merely had an expedited procedure. She explained that a new requirement had been added, in that
41 developers were to now submit an electronic copy of everything provided to the City.

42
43 Commissioner Wright asked in what way the new application process differed from what had
44 previously been required. Ms. Romney responded that there was not a great deal that had been changed
45 about the application procedures. There were already helpful graphics on the website to assist applicants
46 in understanding the process but there was still much work to be done regarding revising forms since
47 some of the steps in the process were being changed.

48
49 Cory Snyder pointed out that that the City was currently moving to an on-line application process.
50 It would require certain actions by the applicant prior to submittal. Although applicants would not be

1 required to use the on-line system, it would be available. Ms. Romney added that the program would also
2 allow applicants to check the status of their application on line.

3
4 Chair Hayman suggested various stylistic changes in the drafted code updates. She also
5 mentioned some inconsistencies in language within 15.03.040 and 15.03.060. Ms. Romney indicated she
6 would take another look at the language.

7
8 Chair Hayman asked about use of the word *may* in 15.030.070(g). She wondered under what
9 circumstances the City might allow a deficient application to move forward. Ms. Romney responded that
10 at times, the City was more lenient than it was required to be by statute.

11
12 Commissioner Wright asked that the Commission address the January 9, 2019 minutes now, since
13 she needed to leave shortly. The Commissioners in attendance agreed to do so.

14
15 **MINUTES REVIEW AND ACCEPTANCE**

16
17 The minutes of January 9, 2019 were reviewed and amendments suggested. Commissioner
18 Johnson made a **motion** to accept the minutes as amended. The motion was seconded by Commissioner
19 Wright and passed unanimously (4-0). Commissioner Wright then left the meeting.

20
21 Ms. Romney pointed out because there was no longer a quorum present, the Commission would
22 take no further formal action during that meeting but only engage in discussion.

23
24 **DISCUSSION – SUBDIVISION CHAPTER 3 POSSIBLE REVISIONS (continued)**

25
26 Chair Hayman welcomed members of Boy Scout Troop 1857 who had joined the meeting. The
27 Commission then continued the review of CMC 15 (Subdivisions).

28
29 Regarding CMC 15.03.100 and the Utah Open and Public Meetings Act, Chair Hayman asked
30 what type of circumstance would qualify as an emergency meeting. Ms. Romney responded that there
31 were very, very few circumstances that would qualify as a valid reason for the Planning Commission to
32 call an emergency meeting. It was her legal opinion that neither forgetting to place an item on the agenda
33 nor adding an item simply because the applicant really wished it to be heard, qualified as a valid reason to
34 hold a meeting with less than 24 hours' notice.

35
36 Commissioner Johnson asked if all four noticing types listed in CMC 15.03.100(a)(2) were
37 required by law. Ms. Romney explained that each was required by either the Open and Public Meetings
38 Act or the Land Use Act.

39
40 Ms. Romney indicated that CMC 15.03.170 allowed the zoning administrator to make
41 administrative interpretations of that section and that CMC 15.03.180 was a completely new section that
42 had been added.

43
44 Commissioner Johnson asked how new changes would affect those developers that had already
45 submitted their applications. Ms. Romney responded that generally, applications would move forward
46 under the code that was in effect when the application was submitted. There was a pending ordinance
47 doctrine that allowed a project to be put on hold pending the creation of a new ordinance. However, the
48 law allowed no more than a six-month delay in such cases. She preferred to grant developers their vested
49 rights once they met the requirements that were currently in place.

50
51 Regarding noticing, a new code required additional noticing. She recommended that for the sake
52 of consistency, the City go to a 10-day notice on-site for everything. She felt that fewer mistakes would
53 be made that way. She had distributed a noticing matrix which illustrated the noticing guidelines the City

1 had been following thus far, as well as the guidelines required by the State. She wished to make a
2 correction regarding noticing on the City and State websites. She indicated that there should be an "x"
3 next to Conceptual Subdivision Plat, Preliminary Subdivision Plat and Small Subdivision Waiver,
4 indicating that the City currently noticed those items on the websites in addition to those that were already
5 marked with an "x". Ms. Younger mentioned that she always posted on-site for ten days rather than the
6 required three days.

7
8 In order to simplify the process, Ms. Romney wished to recommend eliminating sending the final
9 subdivision plat to the City Council. Commissioner Johnson indicated that he would be in support of
10 making that change.

11
12 Regarding newspaper noticing, Ms. Romney did not recommend any changes to the City's
13 current practice but it was hoped that the legislature would eventually update the rather archaic statute
14 requiring notices to be placed in a newspaper of general circulation.

15
16 The Planning Commission and Staff discussed the fact that statutorily, *affected entities* included
17 property owners. The City had read the statute quite broadly. If interested in receiving such notifications,
18 a property owner would need to notify the City and do so on an annual basis. City Code currently
19 required noticing when any subdivision dealt with a multi-family, commercial or industrial development.
20 Ms. Romney had been unable to find a State statute wherein that was required. She would continue to
21 look into that, in case such noticing could be eliminated.

22
23 Ms. Romney pointed out that State code currently required that in the case of a text amendment,
24 the City mail a notice to "any property owner whose land was directly affected by the land use ordinance
25 change." She interpreted that part of the code quite broadly. The Staff and Commission discussed the
26 fact that although this was a burdensome requirement for municipalities, there was some merit to it. Ms.
27 Romney expressed an interest in having a more in-depth conversation about that portion of the code with
28 the planning staff in order to ensure that everyone was on the same page.

29
30 Finally, Ms. Romney pointed out that the City must notify the applicant of every meeting at
31 which an application was to be addressed, and also provide a copy of each applicable staff report.
32 Additionally, she stated that members of the public could sign up through the Utah Public Notice website
33 to be notified of any notices pertaining to the City—or any other public body in Utah. Chair Hayman
34 suggested sharing that information with residents.

35
36 In summary, Ms. Romney stated she had received good information from the Planning
37 Commission and would revise the matrix so that it showed the current noticing practices as well as the
38 recommended changes. Chair Hayman expressed appreciation to Ms. Romney for the work and attention
39 she had put into reviewing the City Code.

40 **DISCUSSION – GOALS 2019**

41 Chair Hayman pointed out that she had intended this only to be a preliminary discussion and
42 stated that was particularly true now that there was no longer a quorum present. She mentioned that it
43 appeared there was some tension and lack of communication between the City Council and the Planning
44 Commission. She pointed out that the Planning Commission's obligation was to examine issues
45 independently from the Council. Both she and Commissioner Hintze thought perhaps more joint work
46 sessions might help increase the level of communication between the two bodies. He felt the tension
47 seemed to be apparent to a resident who had sat through a recent meeting. Commissioner Johnson was
48 unsure if increased work sessions would solve the problem. Chair Hayman pointed out that each body had
49 a different perspective and different goals.

50
51
52 Mr. Snyder mentioned that Main Street was quite sensitive and that the Council had not always
53 provided clear direction. Some tension was natural but it increased when Main Street was addressed. The

Council was not yet sure where they wished to go. Chair Hayman suggested making more of an effort to provide periodic updates to the Council regarding Planning Commission activities so that they could remain in the loop. Mr. Snyder mentioned that the City Council had recently approved adding a Planning Commission action report to their future agendas.

Councilmember Johnson reiterated that while he was certainly open to holding further joint meetings with the Council, he was not necessarily optimistic. The work session currently scheduled for February 13 was for the Planning Commission only.

COMMUNITY DEVELOPMENT DIRECTOR REPORT

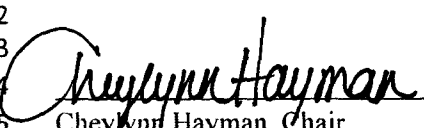
Mr. Snyder indicated that several applications had arrived earlier that day in anticipation of the next meeting-- Barrus Cove, Deuel Creek, the preliminary industrial subdivision for the Smith family, and Cottage on the Corner. He would provide a staff report for the Feb 13th work session as well.

CITY COUNCIL REPORT

Mr. Snyder reminded the Commission that they had previously sent edits to the City Council regarding the overlay. The Council adopted the side yard edit but had a significant discussion regarding the front yard setback. He had cautioned the City Council about moving towards a General Plan amendment solely for that edit and then turning right around and doing a General Plan revamp. He pointed out that it could lead to confusion. The Council decided not to move forward with the other General Plan amendment but would instead move forward with the revamp. Also, they did not wish the friction with the Planning Commission to continue. Mr. Snyder was now tasked with providing the City Council with an outline for how to accomplish the re-vamp. Part of that task included scheduling a joint work session with the Planning Commission which he hoped would be a two-part discussion. First, come to an agreement regarding how best to meet the revamp timeline. Second, to have an additional discussion regarding Planning Commission goals, once those goals had been identified.

ADJOURNMENT

Chair Hayman moved to adjourn. Commissioner Hintze seconded the motion. The motion passed unanimously (3-0) and the meeting adjourned at 8:23 p.m.


Cheyenne Hayman, Chair

4/12/19
Date Approved


Jamie Brooks, Recording Secretary

